

Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, New Jersey 07661
(201) 343-3434
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PECKAR & ABRAMSON, P.C.

Plaintiffs,

-against-

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT,

Defendants.

Civil Action No:

Civil Action

COMPLAINT

Plaintiff, Peckar & Abramson, P.C., by their attorneys, Peckar & Abramson, P.C., for their complaint against the Defendant, alleges as follows:

JURISDICTION

1. Plaintiff's action is brought pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C.A. § 552, and under the Administrative Procedure Act ("APA"), 5 U.S.C.A. §§ 701 et seq., for declaratory and injunctive relief for violations of the above-mentioned Acts and the release of records requested by Plaintiff from Defendant.

VENUE

2. Venue is properly laid in this District under 5 U.S.C.A. § 552(a)(4)(B), as this district is the locale in which Plaintiff has its principal place of business, and 5 U.S.C.A. §§ 703.

PARTIES

3. Plaintiff is and was at all times material to this action a New Jersey Professional Corporation with its principal place of business in River Edge, New Jersey.

4. Plaintiff submitted the FOIA request that is the subject of this action.

5. Defendant United States Agency for International Development is and was at all times material to this action an agency of the United States, with its principal offices located in Washington, D.C.

6. Defendant has possession of the records which Plaintiff seeks.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

7. On December 7, 2010, Plaintiff emailed a request to Defendant that it make available, pursuant to FOIA, all documents, records, and informational materials generated, received, maintained and/or controlled by Defendant, pertaining to a specific Task Order issued with respect to the Afghanistan Infrastructure and Rehabilitation Program. A copy of the FOIA request is annexed hereto as Exhibit A.

8. On December 9, 2010, Defendant emailed Plaintiff a letter providing a tracking number for its FOIA request. That same day, Plaintiff acknowledged Defendant's letter via email. The December 9, 2010 letters are annexed hereto as Exhibits B and C, respectively.

9. On December 29, 2010, Plaintiff emailed Defendant asking when it could expect to receive Defendant's response. The December 29, 2010 email is annexed hereto as Exhibit D.

10. On December 30, 2010, Defendant responded via email that the request was still being reviewed and that Plaintiff would be hearing shortly. Plaintiff responded the same day, thanking Defendant for its prompt response. The December 30, 2010 emails are annexed hereto as Exhibit E.

11. On or about January 6, 2011, Defendant sent another letter introducing the FOIA specialist assigned to the request and informing Plaintiff that it would be contacted by the specialist after the requested documents had been obtained and reviewed. The January 6, 2011 letter is annexed hereto as Exhibit F.

12. On May 18, 2011, Defendant emailed Plaintiff informing it of the estimated fee associated with the FOIA request and requesting an advance payment of \$250. Plaintiff responded via email that same day asking for a more specific estimate of the costs involved. The May 18, 2011 emails are annexed hereto as Exhibits G and H, respectively.

13. The following day Defendant responded via email that he had asked the "Mission" to provide the number of hours it spent searching for documents and promising to provide that information to Plaintiff. Plaintiff thanked Defendant for its reply via email that day. The May 19, 2011 emails are annexed hereto as Exhibit I and J, respectively.

14. On June 20, 2011, Plaintiff requested an update on the costs associated with the FOIA request and an estimated duration for copying. The June 20, 2011 email is annexed hereto as Exhibit K.

15. On July 6, 2011 Plaintiff sent a \$250 check to Defendant via Federal Express with a cover letter authorizing Defendant to proceed with copying of the documents. The July 6, 2011 cover letter, check and Federal Express slip are collectively annexed hereto as Exhibit L.

16. On July 28, 2011 and again on September 1, 2011, Plaintiff emailed Defendant requesting updates on the anticipated completion date. The July 28, 2011 and September 1, 2011 emails are annexed hereto as Exhibits M and N, respectively.

17. On Friday, September 2, 2011, Defendant responded via email that the "Mission" had until the close of business Tuesday to provide a status as to its search for documents.

Plaintiff thanked Defendant for its response via email that same day. Copies of the September 2, 2011 emails are annexed hereto as Exhibits O and P, respectively.

18. On September 26, 2011, Defendant emailed Plaintiff that it could expect a response in terms of costs by September 30, 2011 and apologizing for the delay. Plaintiff again responded that day via email thanking Defendant for the update. Copies of the September 26, 2011 emails are annexed hereto as Exhibits Q and R, respectively.

19. On September 30, 2011, Defendant emailed Plaintiff informing it of the exact fee associated with searching for the documents and asking if Plaintiff still wanted the copies. The Plaintiff responded affirmatively via email the same day. Copies of the September 30, 2011 emails are annexed hereto as Exhibits S and T, respectively.

20. On October 13, 2011, Defendant emailed Plaintiff stating that they would have to receive an advanced payment of \$250 in order to “start the work.” Plaintiff responded the same day reminding Defendant that the check had previously been sent. Copies of the October 13, 2011 emails are annexed hereto as Exhibits U and V, respectively.

21. On October 14, 2011, Defendant responded that it had received the check and that it would “send partial responses as [it was] processing the responsive documents.” Plaintiff responded that same day with another “thank you.” A copy of the October 14, 2011 emails are annexed hereto as Exhibits W and X, respectively.

22. On October 30, 2011, Plaintiff still had not received a single document in response to its request so it sent yet another email asking for a status update. A copy of the October 30, 2011 email is annexed hereto as Exhibit Y.

23. On October 31, 2011, Defendant responded via email that a partial response would be sent in approximately two weeks. A copy of the October 31, 2011 email is annexed hereto as Exhibit Z.

24. On November 30, 2011, Plaintiff emailed Defendant again seeking another status update as the documents still had not been provided. A copy of the November 30, 2011 email is annexed hereto as Exhibit AA.

25. On December 2, 2011, less than one week shy of a year since the FOIA request had been sent, Defendant emailed Plaintiff that approximately 3000 pages of documents had been redacted. In addition, for the first time, Defendant maintained that it could not start releasing the documents until it “received the contractors [sic] notes on what he deems proprietary for his business.” A copy of the December 2, 2011 email is annexed hereto as Exhibit BB.

26. On December 2, 2011 Plaintiff responded via email asking whether it would be receiving a privilege log so that it could challenge the withholding of particular documents, if required. A copy of the December 2, 2011 email is annexed hereto as Exhibit CC.

27. On January 27, 2011, Plaintiff once again requested, via email, a status update on the FOIA request and warned that legal action would be taken if the documents were not forthcoming. A copy of the January 27, 2011 email is annexed hereto as Exhibit DD.

28. On February 3, 2011, Defendant emailed Plaintiff again apologizing for the delay and stating that it hoped to get Plaintiff “something by the end of next week.” A copy of the February 3, 2011 email is annexed hereto as Exhibit EE.

29. On February 29, 2012, well over a year after making the FOIA request and after over thirty pieces of correspondence, Plaintiff sent the last email seeking a status update. No

response was ever received by Plaintiff. A copy of the February 29, 2011 email is annexed hereto as Exhibit FF.

COUNT ONE

FAILURE TO DISCLOSE RECORDS UNDER THE FREEDOM OF INFORMATION ACT

30. Plaintiff hereby repeats and realleges each and every allegation contained in paragraphs 1 through 29 of the Complaint as if fully set forth at length herein.

31. Despite Plaintiff's proper FOIA request, made over a year and a half ago, and repeated demands for compliance, Defendant has improperly withheld the documents, failing to provide even a single page in response to said request or even providing a date as to when the documents can be expected.

32. Significantly more than twenty (20) working days have passed since Defendant's receipt of Plaintiff's FOIA request, and Defendant has not notified Plaintiff as to whether it will fully comply with said request nor has it informed Plaintiff of its right to appeal. Thus, under 5 U.S.C.A. § 552(a)(6)(A) and 5 U.S.C.A. § 552 (a)(6)(C), plaintiff has exhausted its administrative remedies.

33. Plaintiff has a right of prompt access to the requested documents under 5 U.S.C.A. § 552(a)(3), and there is no legal basis for denial of such access by Defendant.

34. Plaintiff has no other adequate remedy at law.

COUNT TWO

FAILURE TO COMPLY WITH ADMINISTRATIVE PROCEDURE ACT

35. Plaintiff hereby repeats and realleges each and every allegation contained in paragraphs 1 through 34 of the Complaint as if fully set forth at length herein.

38. Plaintiff was harmed as a result of Defendant's violation of FOIA and the APA because Plaintiff has been denied the benefits and protections provided by compliance with those laws.

REQUEST FOR RELIEF

1. Expedition of the action as provided in 28 U.S.C.A. § 1657(a)
2. A judgment determining or declaring that Defendant's failure to provide Plaintiff with the requested documents was unlawful;
3. Injunctive relief requiring Defendant to provide Plaintiff with the requested documents;
4. All attorney's fees and costs incurred by plaintiff in connection with this proceeding as provided by Section 552(a)(4)(E) of Title 5 of the U.S. Code (5 U.S.C.A. § 552(a)(4)(E));
5. Any and all other relief that may be granted pursuant to FOIA or the APA but not explicitly or specifically requested elsewhere in this request for relief; and
6. Any and all other and further relief that this court may deem appropriate.

Peckar & Abramson, P.A.
Attorneys for Plaintiffs

By: /s/ Michael S. Zicherman
MICHAEL S. ZICHERMAN

Dated: June 22, 2012

LOCAL CIVIL RULE 11.2 CERTIFICATION

Pursuant to L. Civ. R. 11.2, the undersigned attorney for Plaintiff, Peckar & Abramson, P.A., to the best of his knowledge certifies that the matter in controversy is not the subject of another action pending in any court or in any arbitration or administrative proceeding.

Peckar & Abramson, P.A.
Attorneys for Plaintiffs

By: _____
MICHAEL S. ZICHERMAN

Dated: June , 2012

Exhibit A



Peckar & Abramson

A Professional Corporation • Attorneys & Counselors at Law

70 Grand Avenue
River Edge, NJ 07661
tel. 201.343.3434
fax 201.343.6306

Michael S. Zicherman
Partner

Via Email foia@usaid.gov

December 7, 2010

S. Lankford, FOIA Team Leader
Information & Records Division
Office of Administrative Services
United States Agency for International Development
Room 2.07C, RRB
Washington, D.C. 20523-2701

New York

San Francisco

Los Angeles

Orange County

Miami

Washington, D.C.

Chicago

London

Re: FREEDOM OF INFORMATION ACT REQUEST
Afghanistan Infrastructure and Rehabilitation Program
IQC# 306-I-00-06-00517-00
Contract Awardee: The Louis Berger Group, Inc./Black and Veatch
Special Projects Corp., Joint Venture
Task Order No. 8 – Gardez to Khost Road Project, Afghanistan
Our File No. 6122-213850

Dear S. Lankford:

www.pecklaw.com

We hereby make this FOIA request, pursuant to 5 U.S.C. §552 and 22 C.F.R. Part 212, that all documents, records, and informational materials generated, received, maintained and/or controlled by the U.S. Agency for International Development (USAID), pertaining to the above referenced Task Order, be made available for copying as soon as possible. This FOIA request includes a request for all records of other federal agencies maintained under the control of the USAID pertaining to the above Task Order and Project. The documents, records, and informational materials requested shall include, but not be limited to, the following:

1. The IQC contract with the contract awardee, The Louis Berger Group, Inc./Black and Veatch Special Projects Corp., Joint Venture (LBG/B&V);
2. Task Order No. 8 to the IQC;
3. Change orders or scope changes to Task Order 8 and requests by LBG/B&V for same;
4. LBG/B&V's bid, estimate, or proposal for Task Order 8.
5. Feasibility studies related to Task Order 8;

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S. Lankford, FOIA Team Leader

December 7, 2010

Page 2

6. Time and cost estimates to perform Task Order 8;
7. Security requirement estimates to perform Task Order 8;
8. Reports and studies regarding violence, hostilities, attacks, and/or the presence of Taliban and other insurgents in the region in which the Task Order 8 work was to be performed;
9. Authorizations and requests for authorizations for use of private security contractors in connection with Task Order 8;
10. Reports or other documents reflecting the identity and extent actual private security contractors actually utilized in connection with Task Order 8;
11. Reports or other documents reflecting the extent US military utilized in connection with Task Order 8;
12. Periodic reports and other reports related to the progress or status of Task Order 8;
13. Invoices and/or payment requisitions from LBG/B&V related to Task Order 8 and USAID approvals or responses to same;
14. Checks or wire transfers from USAID to LBG/B&V and/or to any other entity related to Task Order 8;
15. Claims submitted by LBG/B&V for additional compensation related to Task Order 8 and USAID's approvals or responses to same;
16. Requests for extensions of time submitted by LBG/B&V related to Task Order 8;
17. Extensions of time issued by USAID related to Task Order 8;
18. Letters, correspondence (email or paper), memos, notices, reports, analyses by and/or between USAID and LBG/B&V related to Task Order 8; and
19. Any and all other records prepared by or for USAID or received by USAID related to Task Order 8.

Peckar & Abramson

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S. Lankford, FOIA Team Leader

December 7, 2010

Page 3

As you know, Section 552(b) of FOIA provides that, if some parts of a document are exempt from release, "reasonably segregable" portions of the non-exempt material should be provided. We request, therefore, that if you determine that any portion of the requested information is exempt, you provide us with immediate access to the non-exempt portion of the documents. We reserve our right to appeal any and all such decisions.

If you determine that some or all of any of our document requests are exempt from release, please tell us which exemption(s) cover the material being withheld, and include an index of all material withheld in whole or in part. Pursuant to applicable court decisions, in order to satisfy the requirements of FOIA, the index: (a) should be contained in one document and be complete in itself, (b) must adequately describe each withheld document or deletion from a released document, (c) must state the exemption claimed for each deletion or withheld document and explain in detail why the exemption is claimed for each deletion or withheld document and why the exemption is relevant, and (d) be sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt. In this regard, please separately state USAID's reasons for not invoking its discretionary powers under FOIA to release in the public interest any material you deemed to be exempt. Such statements will be helpful in deciding whether to appeal an adverse determination.

Please notify us of the availability of these documents within ten (10) days from receipt of this request. We understand that we are responsible for all reasonable copy charges incurred pursuant to this request, and we will promptly pay your invoice for same. However, to the extent that research and review costs are expected to be assessed, please provide us with an estimate of the anticipated fees prior to conducting the full research and review, so that we may determine whether to limit the scope of records requested. In addition, as we reasonably expect the copying charges to exceed \$250.00, we request that you provide us with an estimate of the copying costs so that we may determine whether to immediately be assessed the estimated copying fees or alternatively, be granted access to the records which are responsive to this request so that we may review them without incurring duplication costs and select those records which we want copied.

If you have any questions or need any further information, please feel free to call me at (201) 441-4992 or to email at mzicherman@pecklaw.com. Thank you for your anticipated cooperation and your prompt attention to this matter.

Very truly yours,



MICHAEL S. ZICHERMAN

Exhibit B

December 09, 2010

Mr. Michael Zicherman
70 Grant Ave
River Edge, NJ 07661

Dear Mr. Zicherman,

Thank you for your letter requesting information under the Freedom of Information Act (FOIA). The tracking number for your request is F-00051-11. Please use this number when corresponding with our office.

If you have any questions, please contact us on 202-712-0960 or by e-mail at foia@usaid.gov.

Sincerely,

Sylvia Joyner
FOIA Team
Information and Records Division
Office of Administrative Services

Exhibit C

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Thursday, December 09, 2010 4:03 PM
To: 'Joyner, Sylvia'
Subject: RE: Initial Acknowledgement Ltr - F-00051-11

Thank you for your prompt response. I look forward to working with you on our request.

-- Michael

Michael S. Zicherman, Esq.
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, NJ 07661
direct dial: 201.441.4992
phone: 201.343.3434
fax: 201.343.6306
mobile: 201.779.5291
mzicherman@pecklaw.com
www.pecklaw.com

-----Original Message-----

From: Joyner, Sylvia [<mailto:sjoyner@usaid.gov>]
Sent: Thursday, December 09, 2010 3:25 PM
To: Zicherman, Michael S.
Subject: Initial Acknowledgement Ltr

Exhibit D

Maiello, Celeste A.

From: Zicherman, Michael S.
Subject: FW: Initial Acknowledgement Ltr - F-00051-11

-----Original Message-----

From: Zicherman, Michael S.
Sent: Wednesday, December 29, 2010 11:56 PM
To: 'sjoyner@usaid.gov'
Subject: FW: Initial Acknowledgement Ltr - F-00051-11

My understanding was that I should have received a further response to the FOIA request within 10 days of your acknowledgement letter. Please advise when I can expect to receive the response. thank you for your attention to this matter.

-- Michael

Michael S. Zicherman, Esq.
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, NJ 07661
direct dial: 201.441.4992
phone: 201.343.3434
fax: 201.343.6306
mobile: 201.779.5291
mzicherman@pecklaw.com
www.pecklaw.com

-----Original Message-----

From: Joyner, Sylvia [<mailto:sjoyner@usaid.gov>]
Sent: Thursday, December 09, 2010 3:25 PM
To: Zicherman, Michael S.
Subject: Initial Acknowledgement Ltr

Exhibit E

Maiello, Celeste A.

-----Original Message-----

From: Zicherman, Michael S.
Sent: Thursday, December 30, 2010 11:33 AM
To: 'Joyner, Sylvia B(M/AS/IRD)'
Cc: Lankford, Sylvia Putman(M/AS/IRD); Winston, Lynn (M/AS/IRD)
Subject: RE: Initial Acknowledgement Ltr - F-00051-11

Thank you very much for your prompt response. I will await your further reply. Have a happy new year.

-----Original Message-----

From: Joyner, Sylvia B(M/AS/IRD) [<mailto:SJoyner@usaid.gov>]
Sent: Thursday, December 30, 2010 11:10 AM
To: Zicherman, Michael S.
Cc: Lankford, Sylvia Putman(M/AS/IRD); Winston, Lynn (M/AS/IRD)
Subject: RE: Initial Acknowledgement Ltr - F-00051-11

Good Morning Sir, In accordance with the President's Executive Letter/DOJ Guidelines the agencies have 20 working days to respond, so at this point your request still being reviewed, and you should be hearing from our office shortly. I hope this is helpful. Have a happy and safe holiday.

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Exhibit F

Puzio, Philip H

From: Joyner, Sylvia [sjoyner@usaid.gov]
Sent: Thursday, January 06, 2011 12:03 PM
To: Zicherman, Michael S.
Subject: Specialists' Contact Info Letter - Gwen Marcus
Attachments: Specialists' Contact Info Letter - Gwen Marcus.doc

January 06, 2011

Mr. Michael Zicherman
Peckar & Abramson
70 Grant Ave
River Edge, NJ 07661

RE: FOIA Tracking No. F-00051-11

Dear Mr.Zicherman,

The FOIA specialist assigned to your request is Ms. Gwendolyn Marcus. Ms. Marcus will request the document(s) from the appropriate office(s) for review. We will contact you when the review is completed.

If you have any questions, please contact Ms. Marcus on 202-712-0582 or by email at gmarcus@usaid.gov.

Sincerely,

USAID
Information and Records Division
Office of Administrative Services

Exhibit G

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [rjankowski@usaid.gov]
Sent: Wednesday, May 18, 2011 4:51 PM
To: Zicherman, Michael S.
Subject: USAID FOIA request F-00051-11

Dear Mr. Zicherman,

This note concerns your Freedom of Information Act (FOIA) request, F-00051-11, asking for all documentation on Afghanistan Infrastructure and Rehabilitation Program, IQC# 306-I-00-06-00517-00. The number of pages that are potentially responsive to the request is approximately 11,500. The cost of copying the documents alone would be approximately \$2,300.00. This does not include additional documents that have not been counted. Also, search and review fees have not been calculated to this cost. The search fee is \$31.94 per hour and the review cost is \$55.09 per hour. If you are willing to pay this estimated fee, please mail us an advanced payment of \$250.00, payable to the US Treasury.

Please respond to this email by May 25, 2011.

Thank you very much. Have a great day.

Roman Jankowski
Senior FOIA Specialist
U.S. Agency for International Development
M/MS/IRD, Room 2.7C-101, RRB
1300 Pennsylvania Ave N.W.
Washington D.C. 20523-2701
P: 202.712.1371
F: 202.216.3070
"M"oving Development Forward

Exhibit H

Maiello, Celeste A.

Subject:

From: Zicherman, Michael S.
Sent: Wednesday, May 18, 2011 6:30 PM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: USAID FOIA request F-00051-11

Thank you for your email. Is there any way to estimate the cost for the search and review time, or to perhaps provide an anticipated range of the cost?

Exhibit I

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]

Sent: Thursday, May 19, 2011 10:21 AM

To: Zicherman, Michael S.

Subject: RE: USAID FOIA request F-00051-11

Mr. Zicherman,

I have requested that the Mission provide the number of hours it searched for documents. When the Mission gets back to me, I will send an email to you with their search time. Also reviewing approximately 11,500 could take a minimum of approximately 24 work hours, which would equate to \$1322.16. However, it could take longer to review these documents depending on the number of redactions in the documents.

- Roman

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Exhibit J

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Thursday, May 19, 2011 10:23 AM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: USAID FOIA request F-00051-11

Thank you for your reply and the estimated order of magnitude of the review time. I await your further estimate of the cost for the search time.

-- Michael

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Exhibit K

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Monday, June 20, 2011 12:51 PM
To: 'rjankowski@usaid.gov'
Subject: FW: USAID FOIA request F-00051-11

I am still awaiting your estimate of the cost for the search time/cost associated with our FOIA request. We would appreciate if you could provide it as soon as possible so that we may proceed with the copying efforts. Also, could you please provide me with an estimated duration for the copying from the date that you receive our authorization and deposit check.

Thank you.

-- Michael

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Exhibit L



Peckar & Abramson

A Professional Corporation • Attorneys & Counselors at Law

70 Grand Avenue
River Edge, NJ 07661
tel. 201.343.3434
fax 201.343.6306

Via Federal Express

July 6, 2011

Roman Jankowski
Senior FOIA Specialist
U.S. Agency for International Development
M/MS/IRD, Room 2.7C-101, RRB
1300 Pennsylvania Ave N.W.
Washington D.C. 20523-2701

New York

San Francisco

Los Angeles

Orange County

Miami

Washington, D.C.

Chicago

London

RE: USAID FOIA Request F-00051-11

Dear Mr. Jankowski:

This firm represents BSC-C&C JV. In accordance with your emails of May 18 and 19, 2011, we hereby authorize you to proceed with the copying of the documents that were located in connection with the above FOIA Request. Per your email, enclosed please find a check in the amount of \$250, as a deposit towards the copying and associated costs.

www.pecklaw.com

Thank you for your assistance. Should you have any questions, or require anything further, please feel free to contact me.

Very truly yours,

MICHAEL S. ZICHERMAN
MSZ/z

PECKAR & ABRAMSON

A PROFESSIONAL CORPORATION
CLIENT DISBURSEMENT ACCOUNT

70 GRAND AVENUE
RIVER EDGE, N.J. 07661

JPMorgan Chase Bank, N.A.
New York, NY
1-2/210

15926

Date: July 6, 2011

Pay: Two hundred fifty and 00/100*****

\$ ***250.00***

PAY
TO THE
ORDER OF: U.S. Treasurer

Larry H. Byrj

⑈00015926⑈ ⑆021000021⑆

4404438784⑈

Payee: U.S. Treasurer
Vendor ID: 3876

Check #: 15926
Check Date: Jul 06/11

Invoice Num	Invoice Date	Reference	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
6122/213850/7611	Jul 06/11		250.00	250.00	0.00	250.00
Totals:			\$250.00	\$250.00	\$0.00	\$250.00

From: (201) 343-3434
Michael Zicherman
Peckar and Abramson
70 Grand Avenue
2nd Floor
River Edge, NJ 07661

Origin ID: TEBA



Ship Date: 06JUL11
ActWgt: 1.0 LB
CAD: 8963456/INET3180

Delivery Address Bar Code



SHIP TO: (201) 343-3434 **BILL SENDER**
Roman Jankowski, Sr. FOIA Specialist
U.S. Agency for Intl Development
M/MS/IRD, Room 2.7C-101, RRB
1300 Pennsylvania Avenue N.W.
Washington, DC 20523

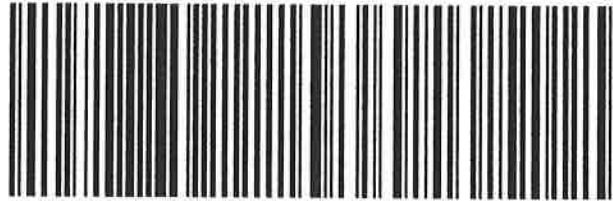
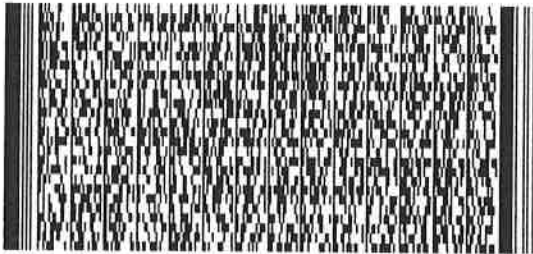
Ref # BSC-C&C JV
Invoice #
PO #
Dept #

THU - 07 JUL A2
STANDARD OVERNIGHT

TRK# 7972 7624 1773
0201

ZD RDVA

20523
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DCA



50FG2/F556/F5F4

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Exhibit M

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Thursday, July 28, 2011 9:42 PM
To: 'rjankowski@usaid.gov'
Subject: FW: USAID FOIA request F-00051-11

On July 7, 2011, I had sent to you a letter authorizing the copying of the documents for our FOIA request. Please advise on the status of the copying and when you anticipate it being completed. Thank you.

-- Michael

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Exhibit N

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Thursday, September 01, 2011 11:48 PM
To: 'rjankowski@usaid.gov'
Subject: FW: USAID FOIA request F-00051-11

It has been nearly 2 months since we had authorized USAID to copy the documents located pursuant to our FOIA request. To date we have heard nothing about the progress. Please advise us of the progress being made and when we can expect copies to be provided. Thank you.

-- Michael

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Exhibit O

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]
Sent: Friday, September 02, 2011 10:56 AM
To: Zicherman, Michael S.
Subject: RE: USAID FOIA request F-00051-11

Sorry for the response time. I re-contacted the mission, and gave them a due date by the COB Tuesday to provide the answer.

- Roman

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Exhibit P

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Friday, September 02, 2011 10:57 AM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: USAID FOIA request F-00051-11

Thank you very much for your response.

Regards,

-- Michael

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Exhibit Q

Maiello, Celeste A.

Subject:

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]
Sent: Monday, September 26, 2011 12:50 PM
To: Zicherman, Michael S.
Subject: RE: USAID FOIA request F-00051-11

Mr. Zicherman, you will receive a response in terms of cost by Friday September 30 2011.
I apologize about the delays.
- Roman

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Exhibit R

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Monday, September 26, 2011 12:53 PM
To: 'rjankowski@usaid.gov'
Subject: Re: USAID FOIA request F-00051-11

Thank you for the update.

Michael Zicherman
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, NJ 07661
Tel: +1.201.343.3434
Dir. +1.201.441.4992
Fax +1.201.343.6306
Mob +1.201.779.5291
BlackBerry Wireless Handheld

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Exhibit S

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]
Sent: Friday, September 30, 2011 4:04 PM
To: Zicherman, Michael S.
Subject: F-00051-11

Mr. Zicherman,

There was 15 hours of search time. search fee is \$31.94 per hour.
Does your client still want the documents?

Roman Jankowski
Senior FOIA Specialist
U.S. Agency for International Development
M/MS/IRD, Room 2.7C-101, RRB
1300 Pennsylvania Ave N.W.
Washington D.C. 20523-2701
P: 202.712.1371
F: 202.216.3070
"M"oving Development Forward

Exhibit T

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Friday, September 30, 2011 5:00 PM
To: 'rjankowski@usaid.gov'
Subject: Re: F-00051-11

Yes.

Michael Zicherman
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, NJ 07661
Tel: +1.201.343.3434
Dir. +1.201.441.4992
Fax +1.201.343.6306
Mob +1.201.779.5291
BlackBerry Wireless Handheld

Exhibit U

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]
Sent: Thursday, October 13, 2011 10:43 AM
To: Zicherman, Michael S.
Subject: RE: F-00051-11

Mr. Zicherman,

In order for me to start the work please mail us an advanced payment of \$250.00, payable to the US Treasury.

- Roman

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Exhibit V

Maiello, Celeste A.

Attachments: ECOPYOCE

From: Zicherman, Michael S.
Sent: Thursday, October 13, 2011 2:10 PM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: F-00051-11

We had already sent a check for \$250. Please see attached.

-- Michael

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Peckar & Abramson

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70 Grand Avenue
River Edge, NJ 07661
tel. 201.343.3434
fax 201.343.6306

Via Federal Express

July 6, 2011

Roman Jankowski
Senior FOIA Specialist
U.S. Agency for International Development
M/MS/IRD, Room 2.7C-101, RRB
1300 Pennsylvania Ave N.W.
Washington D.C. 20523-2701

New York

San Francisco

Los Angeles

Orange County

Miami

Washington, D.C.

Chicago

London

RE: USAID FOIA Request F-00051-11

Dear Mr. Jankowski:

This firm represents BSC-C&C JV. In accordance with your emails of May 18 and 19, 2011, we hereby authorize you to proceed with the copying of the documents that were located in connection with the above FOIA Request. Per your email, enclosed please find a check in the amount of \$250, as a deposit towards the copying and associated costs.

www.pecklaw.com

Thank you for your assistance. Should you have any questions, or require anything further, please feel free to contact me.

Very truly yours,

MICHAEL S. ZICHERMAN
MSZ/z

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PECKAP & BRANSON
A PROFESSIONAL CORPORATION
CLIENT DISBURSEMENT ACCOUNT

70 GRAND AVENUE
RIVER EDGE, N.J. 07661

JPMorgan Chase Bank, N.A.
New York, NY
1-2/210

15926

Date: July 6, 2011

Pay: Two hundred fifty and 00/100

\$ ***250.00***

PAY
TO THE
ORDER OF: U.S. Treasurer

Larry H. Breyer

⑈00015926⑈ ⑆021000021⑆

4404438784⑈

Payee: U.S. Treasurer
Vendor ID: 3876

Check #: 15926
Check Date: Jul 06/11

Invoice Num	Invoice Date	Reference	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
6122/213850/7611	Jul 06/11		250.00	250.00	0.00	250.00
Totals:			\$250.00	\$250.00	\$0.00	\$250.00

From: (201) 343-3434
 Michael Zicherman
 Peckar and Abramson
 70 Grand Avenue
 2nd Floor
 River Edge, NJ 07661

Origin ID: TEBA



Ship Date: 06JUL11
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SHIP TO: (201) 343-3434

BILL SENDER

Roman Jankowski, Sr. FOIA Specialist
 U.S. Agency for Intl Development
 M/MS/IRD, Room 2.7C-101, RRB
 1300 Pennsylvania Avenue N.W.
 Washington, DC 20523

Ref # BSC-C&C JV
 Invoice #
 PO #
 Dept #

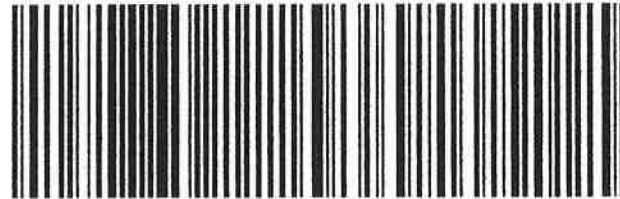
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2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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Exhibit W

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]

Sent: Friday, October 14, 2011 9:53 AM

To: Zicherman, Michael S.

Subject: RE: F-00051-11

Mr. Zicherman,

Thanks, we did receive the check and we will send you partial responses as we are processing the responsive documents.

- Roman

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Exhibit X

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Friday, October 14, 2011 10:04 AM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: F-00051-11

Thank you very much.

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Exhibit Y

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Sunday, October 30, 2011 11:33 PM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: F-00051-11

Can you please provide me with an update on the status of the document and email copying and an anticipated date for the completion. Thanks.

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Exhibit Z

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [mailto:rjankowski@usaid.gov]
Sent: Monday, October 31, 2011 5:41 PM
To: Zicherman, Michael S.
Subject: RE: F-00051-11

I am currently redacting the documents. I will try to give you a partial response in around 2 weeks from now.

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Exhibit AA

Maiello, Celeste A.

Importance: High

From: Zicherman, Michael S.
Sent: Wednesday, November 30, 2011 1:57 PM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: F-00051-11
Importance: High

Can you please provide me with an update on the status of the FOIA request. Thank you.

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Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [<mailto:rjankowski@usaid.gov>]
Sent: Friday, December 02, 2011 3:56 PM
To: Zicherman, Michael S.
Subject: RE: F-00051-11

I've redacted about 3000 pages of documents, and after I receive the contractors notes on what he deems proprietary for his business, which is mandatory by law that I do, I can start releasing the docs.

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Exhibit CC

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Friday, December 02, 2011 4:45 PM
To: 'rjankowski@usaid.gov'
Subject: Re: F-00051-11

With respect to the documents that the owner deems proprietary, do I get a "privilege" log of those documents so I can determine the propriety of the proprietary claim and challenge the assertion if necessary?

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Exhibit DD

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Friday, January 27, 2012 7:44 AM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: F-00051-11

Mr. Jankowski,

Please immediately advise of the status of my FOIA request. This process is taking an extraordinary long time. In October, you advised me that I would receive partial responses to the FOIA request in about 2 weeks, and there was no mention of requiring input from the contractor. Now, 3 months later, and nearly 2 months after you indicated that contractor input is required, I still do not have one document in response to my request. I first made my FOIA request in December 2010. It has been more than one year since the request and still nothing. This is unacceptable. Please advise me when the documents will be produced. If the documents are not produced within the next 2-3 weeks, we will commence legal action to compel their production and seek all costs and attorney's fees in doing so as permitted by statute.

-- Michael

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Exhibit EE

Maiello, Celeste A.

From: Jankowski, Roman (M/MS/IRD) [mailto:rjankowski@usaid.gov]
Sent: Friday, February 03, 2012 2:20 PM
To: Zicherman, Michael S.
Subject: RE: F-00051-11

I am working on a response package, and hopefully I can get you something by the end of next week. I will keep you informed of the status of the progress. We apologize about the delay.

- Roman

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Exhibit FF

Maiello, Celeste A.

From: Zicherman, Michael S.
Sent: Wednesday, February 29, 2012 3:04 PM
To: 'Jankowski, Roman (M/MS/IRD)'
Subject: RE: F-00051-11

The week has again turned into one month. Please advise ASAP.

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